

1 James C. Shah (SBN 260435)
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP
2 401 West A Street, Suite 2350
San Diego, CA 92101
3 Telephone: (619) 235-2416
jshah@sfmslaw.com

4 CHIMICLES & TIKELLIS LLP
5 Steven A. Schwartz
Timothy N. Mathews
6 361 W. Lancaster Avenue
Haverford, PA 19041
7 Telephone: (610) 642-8500

8 Attorneys for Plaintiff and on Behalf
of All Others Similarly Situated

9 Scott D. Baker (SBN 84923)
10 Jonah D. Mitchell (SBN 203511)
James A. Daire (SBN 239637)
11 Christine M. Morgan (SBN 169350)
12 REED SMITH LLP
101 Second Street, Suite 1800
13 San Francisco, CA 94105
Telephone: (415) 543-8700

14 Attorneys for Defendant
15 SAFEWAY INC.

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19 MICHAEL RODMAN, on behalf of himself
20 and all others similarly situated,

21 Plaintiff,

22 v.

23 SAFEWAY INC.,

24 Defendant.

Case No. 11-03003 JST (JCS)

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING DATE
FOR PLAINTIFF'S MOTION FOR
SANCTIONS**

1 Plaintiff Michael Rodman on behalf of himself and the certified Class ("Plaintiff") and
2 Defendant Safeway Inc. ("Safeway") stipulate as follows:

3 WHEREAS, the Court entered final judgment (Dkt. No. 406) in favor of Plaintiff for
4 breach of contract damages plus pre-judgment interest and against Safeway Inc. ("Safeway");

5 WHEREAS, Safeway filed a notice of appeal (Dkt. No. 408), which appeal is pending
6 before the United States Court of Appeals for the Ninth Circuit;

7 WHEREAS, Plaintiff filed a Motion for Sanctions on April 6, 2016 (Dkt. No. 434);

8 WHEREAS, Safeway filed its Opposition to Plaintiff's Motion for Sanctions on May 13,
9 2016 (Dkt. No. 446);

10 WHEREAS, Plaintiff filed his Reply in support of Plaintiff's Motion for Sanctions on
11 Friday, June 3, 2016 (Dkt. No. 453);

12 WHEREAS, on May 2, 2016, the Court continued the hearing on Plaintiff's Motion for
13 Sanctions from June 16, 2016 to July 14, 2016 (Dkt. No. 439);

14 WHEREAS, on June 26, 2016, the Court continued the hearing on Plaintiff's Motion for
15 Sanctions from July 14, 2016 to July 21, 2016 (Dkt. No 456);

16 WHEREAS, due to a recent family tragedy, Safeway's lead counsel is unavailable to
17 participate in a hearing on July 21, 2016, and Plaintiff's counsel has agreed to Safeway's request
18 to continue the hearing date;

19 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree
20 that, subject to approval by the Court, to continue the hearing date on Plaintiff's Motion for
21 Sanctions from July 21, 2016 at 2:00 pm to August 18, 2016 at 2:00 pm, or thereafter as the
22 Court's schedule will permit.

23
24 IT IS SO STIPULATED.

25 Dated: July 15, 2016

Dated: July 15, 2016

26 REED SMITH LLP

CHIMICLES & TIKELLIS LLP

27 By: /s/ James A. Daire *

By: /s/ Steven A. Schwartz

1 Scott D. Baker (SBN 84923)
2 Jonah D. Mitchell (SBN 203511)
3 James A. Daire (SBN 239637)
4 Christine M. Morgan (SBN 169350)
5 101 Second Street, Suite 1800
6 San Francisco, CA 94105
7 Telephone: (415) 543-8700
8 Facsimile: (415) 391-8269

9 Attorneys for Defendant
10 SAFEWAY INC.

Steven A. Schwartz (pro hac vice)
Timothy N. Mathews (pro hac vice)
361 W. Lancaster Ave.
Haverford, PA 19041
Telephone: (610) 642-8500
Facsimile: (610) 649-3633

James C. Shah (SBN 260435)
Rose F. Luzon (SBN 221544)
SHEPHERD, FINKELMAN,
MILLER & SHAH
401 West A Street, Suite 2350
San Diego, CA 92101
Telephone: (619) 235-2416
Facsimile: (866) 300-7367

Attorneys for Plaintiff
MICHAEL RODMAN and the Class

11
12 * I, James A. Daire, am the ECF User whose identification and password are being used to file this
13 document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Steven A. Schwartz
14 has concurred in this filing.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

Good cause appearing therefore, PURSUANT TO STIPULATION, IT IS ORDERED THAT the hearing on Plaintiff's Motion for Sanctions is continued from July 21, 2016 at 2:00 pm²⁵ to August 18, 2016 at 2:00 pm. IT IS SO ORDERED.

Date: July 15, 2016

